

Missouri Department of dnr.mo.gov
NATURAL RESOURCES
Michael L. Parson, Governor Carol S. Comer, Director

JAN 14 2019

Mr. Jeff Robichaud, Director
Water, Wetlands, and Pesticide Division
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, KS 66219

RE: Withdrawal of Total Maximum Daily Load for Buffalo Ditch (Water Body ID 3118)

Dear Mr. Robichaud:

The Missouri Department of Natural Resources is notifying the U.S. Environmental Protection Agency, Region 7 (EPA) of the withdrawal of the Buffalo Ditch dissolved oxygen total maximum daily load (TMDL). The TMDL was developed to comply with the requirements and schedules of the 2001 consent decree, *American Canoe Association, et al. v. EPA*, Consolidated Case No. 98-1195-CV-W-SOW, consolidated with 98-4282-CV-W-SOW. The Department reviewed the Buffalo Ditch TMDL, its associated water quality models, and available empirical data, and has determined that the wasteload and load allocation targets established in the TMDL will not result in attainment of the applicable minimum dissolved oxygen criterion of 5.0 mg/L. Title 40 of the Code of Federal Regulations (CFR) at §130.7(c)(1) requires TMDLs to be established at levels necessary to attain and maintain applicable water quality standards.

Due to the issues identified in the TMDL models, detailed in the enclosed *Buffalo Ditch Total Maximum Daily Load Withdrawal*, the Department hereby withdraws the Buffalo Ditch TMDL. The Buffalo Ditch dissolved oxygen impairment will be re-categorized from Category 4a to Category 5 for inclusion on the Missouri 303(d) list of impaired waters. Waters included on the 303(d) list will be prioritized and scheduled for TMDL development as required by 40 CFR §130.7(b)(4).

For informational purposes, please find enclosed copies of all public comments received during the 45-day public notice period held from October 12 through November 26, 2018, including supplemental reports submitted by the city of Kennett as additional justification for withdrawal of the TMDL. The Department's responses to public comments are also enclosed.



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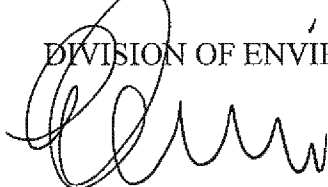
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Mr. Jeff Robichaud
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If you have any questions concerning this matter, please contact Mr. Michael Kruse, of my staff, by phone at 573-522-4901, by email at michael.kruse@dnr.mo.gov, or by mail at Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102. Thank you.

Sincerely,

DIVISION OF ENVIRONMENTAL QUALITY

A handwritten signature in black ink, appearing to read 'Ed Galbraith', written over the typed name.

Ed Galbraith
Director

EG:mkh

Enclosures